

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Abraham Lamm, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

Case No. 7:21-cv-02478

FMS, Inc. and John Does 1-25,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 5/25/2021

FMS, INC.'S NOTICE OF MOTION TO DISMISS
FOR FAILURE TO STATE A CLAIM

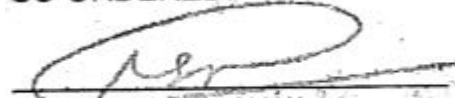
Defendant, FMS, Inc. ("FMS"), through undersigned counsel and pursuant to FED. R. CIV. P. 12(b)(6), respectfully submits this Motion to Dismiss for Failure to State a Claim seeking dismissal of the complaint filed by the plaintiff, Abraham Lamm. For the reasons stated in FMS' memorandum in support thereof, the Court should dismiss plaintiff's action against FMS with prejudice.

Dated: May 24, 2021

Respectfully submitted

/s/ Aaron R. Easley
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Attorney for Defendant

SO ORDERED:


HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

Defendant's motion to dismiss is denied without prejudice for failure to follow my individual practices. See Sec. 3.A.ii. The Court construes Defendant's attempted motion as a pre-motion conference request, waives the conference requirement, and grants Defendant leave to file its motion as follows: moving papers shall be served (not filed) on June 24, 2021; opposition papers shall be served (not filed) on July 26, 2021; and reply papers shall be served on August 10, 2021. All motion papers shall be filed on the reply date, August 10, 2021. Parties shall provide two hard courtesy copies of all motion papers as they are served. The Clerk of Court is directed to terminate the motion at ECF No. 6.

Dated: May 25, 2021

White Plains, NY

MEMO ENDORSED